

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 296 of 2004**

Suraj aged about 26 years
S/o Sri Dhoop Singh & others

...Applicants

Versus

State of Uttarakhand & others

..Opposite Parties

Sri NC. Gupta learned counsel for the applicant
Learned A.G.A. counsel for the opposite party

Hon'ble B.C. Kandpal, J.

This petition under section 482 Cr.P.C. has been filed by the accused/applicants who were summoned by the Additional Chief Judicial Magistrate, Haldwani to face the trial under section 323, 504, 506 and 498-A of I.P.C., and ¾ of Dowry Prohibition Act. Revision was preferred against the order dated 14.11.2002 passed by the learned additional Chief Judicial Magistrate, Haldwani before he Sessions Judge, Nainital who also dismissed the revision vide its judgment and order dated 31.05.2004.

Learned counsel for the petitioner has argued that the courts below have not recorded any reason on the ground upon which the cognizance was taken. He has also argued that eh prima-facie case is not made out against the accused/applicants. It has also been argued that the entire incident took place within the jurisdiction of District Moradabad. Hence the court of Haldwani and Nainital do not have any jurisdiction to decide the matter.

Heard learned counsel for the applicant and perused the papers filed along with the petition as well as the order passed by the courts below.

Additional Chief Judicial Magistrate has passed the summoning order after having perused the record thoroughly thereafter the revisional court i.e. Sessions court Nainital has also decided the revision on merits.

I do not find any abuse of process of the court which may call for an interference of this Court under the provision of 482 Cr.P.C.

This court is not to act as a Second Revisional Court under the garb of exercising inherent powers. This court is to interfere only where it is satisfied that if the complaint is allowed to be proceeded with, it would amount to abuse of process of court or that in the interests of justice otherwise call for quashing the report. This court while exercising the power under section 482 Cr.P.C. is not supposed to enter into the merits of the case and pronounce upon the truth and correctness of the complaint and the defence.

I do not find any force in the petition and the same is accordingly dismissed.

(B.C. Kandpal, J.)

July 16, 2004
ASWAL